

**ZONING AMENDMENT,
PLANNED UNIT DEVELOPMENT
& SUBDIVISION STAFF REPORT**

Date: September 16, 2004

NAME

Bebo's Express No. 1 (Doug Klyce, Agent)

DEVELOPMENT NAME

Bebo's at Cody Subdivision

LOCATION

Rezoning: 171 Cody Road South
East side of Cody Road South, 220'± North of
Airport Boulevard
PUD & Subdivision: 7080 Airport Boulevard and
171 Cody Road South
Northeast corner of Airport Boulevard and Cody
Road South

**CITY COUNCIL
DISTRICT**

District 7

PRESENT ZONING

R-1, Single-Family Residential

PROPOSED ZONING

B-2, Neighborhood Business

AREA OF PROPERTY

Overall site: 1.8± Acres

CONTEMPLATED USE

Expansion of existing convenience store and car wash.

It should be noted, however, that any use permitted in the proposed district would be allowed at this location if the zoning were changed. Furthermore, the Planning Commission may consider zoning classifications other than that sought by the applicant for this property.

**TIME SCHEDULE
FOR DEVELOPMENT**

Within 60 days

**ENGINEERING
COMMENTS**

Must comply with all stormwater and flood control ordinances. Any work performed in the right of way will require a right of way permit.

TRAFFIC ENGINEERING**COMMENTS**

Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. Driveway should be widened to the minimum width of twenty-four feet.

URBAN FORESTRY**COMMENTS**

Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64).

REMARKS

The applicant is requesting rezoning from R-1, Single-Family Residential to B-2, Neighborhood Business for an existing residential lot along Cody Road. The applicant proposes to expand an existing car wash onto the residential property thus Planned Unit Development (PUD) approval to allow multiple buildings on a single building site, and subdivision approval to create a legal lot of record, are also requested.

The site is illustrated as commercial on the General Land Use Component of the Comprehensive Plan, which is meant to serve as a general guide, not a detailed lot and district plan or mandate for development. Moreover, the General Land Use component allows the Planning Commission and City Council to consider individual cases based on additional information such as the classification requested, the surrounding development, the timing of the request, and the appropriateness and compatibility of the proposed use and zoning classification.

As indicated above, the site is illustrated as commercial on the General Land Use Plan. Furthermore, the site is at the intersection of two major streets and adjoins existing B-3 property to the East, and the rezoning would serve as an expansion of the existing B-2 district to the South.

Planned Unit Development review examines the site with regard to its location to ensure that it is generally compatible with neighboring uses; that adequate access is provided without generating excess traffic along minor residential streets in residential districts outside the PUD; and that natural features of the site are taken into consideration. PUD review also examines the design of the development to provide for adequate circulation within the development; to ensure adequate access for emergency vehicles; and to consider and provide for protection from adverse effects of adjacent properties as well as provide protection of adjacent properties from adverse effects from the PUD.

PUD approval is a site plan specific approval and there are elements of the plan that need to be addressed. First, as illustrated in the Traffic Engineering Comments, two-way drives must be a minimum of 24-feet wide. Second, the site will adjoin residential development to the North, thus the provision of a buffer, in compliance with Section IV.D.1. would be required along the North property line. Third, as with any rezoning application, full compliance with the landscaping and tree planting requirements of the Ordinance will be required. Moreover, sidewalks are not illustrated, but would be required along both Airport Boulevard and Cody Road.

The site fronts both Airport Boulevard and Cody Road, which are planned major streets; Airport Boulevard has an existing right-of-way in compliance with the Major Street Plan. According to the plat submitted, Cody Road has 80-feet of right-of-way, thus the dedication of any necessary right-of-way to provide 50-feet from the centerline of Cody Road should be required. As the site fronts two major streets, access management is a concern; therefore, the location, number and design of all curb cuts should be approved by Traffic Engineering.

In regard to the Subdivision application, with the dedication of any necessary right-of-way, and the placement of a note on the final plat stating that the location, number and design of all curb cuts must be approved by Traffic Engineering, the plat will meet the minimum requirements of the Subdivision Regulations.

RECOMMENDATION

Rezoning Based upon the preceding, this application is recommended for approval subject to the following conditions: 1) that all two way drives be a minimum of 24-feet in width; 2) the provision of a buffer, in compliance with Section IV.D.1. where the site adjoins residential property; 3) full compliance with the landscaping and tree planting requirements of the Ordinance; 4) provision of sidewalks along both Airport Boulevard and Cody Road; 5) the dedication of any necessary right-of-way to provide 50-feet from the centerline of Cody Road, a planned major street; 6) the approval of Traffic Engineering for the location, number and design of all curb cuts; and 7) full compliance with all municipal codes and ordinances.

RECOMMENDATION

Planned Unit Development Based upon the preceding, this application is recommended for approval subject to the following conditions: 1) that all two way drives be a minimum of 24-feet in width; 2) the provision of a buffer, in compliance with Section IV.D.1. where the site adjoins residential property; 3) full compliance with the landscaping and tree planting requirements of the Ordinance; 4) provision of sidewalks along both Airport Boulevard and Cody Road; 5) the dedication of any necessary right-of-way to provide 50-feet from the centerline of Cody Road, a planned major street; 6) the approval of Traffic Engineering for the location, number and design of all curb cuts; and 7) full compliance with all municipal codes and ordinances.

Subdivision The plat meets the minimum requirements of the Subdivision Regulations and is recommended for Tentative Approval subject to the following conditions: 1) dedication of any necessary right-of-way to provide 50-feet from the centerline of Cody Road, a planned major street; and 2) placement of a note on the final plat stating that the approval of Traffic Engineering is required for the location, number and design of all curb cuts.

